

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

VIA FACSIMILE

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, NY 10007

USDS SDNY
DOCUMENT
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DATE FILED: 3/7/08

March 6, 2008

Re: Kim v. Chertoff
08 Civ. 00300 (CM)

Dear Judge McMahon:

I write respectfully to request an adjournment of the pretrial conference scheduled for March 7, 2008. This is the Government's first request for an adjournment.

This is a mandamus action in which plaintiff seeks an order compelling Citizenship and Immigration Services ("CIS") to adjudicate her application for adjustment of status. After the complaint was filed, this Office was informed by CIS that plaintiff's application was adjudicated and, in fact, granted. A copy of a notice from CIS, dated February 25, 2008, informing plaintiff that her application for permanent residence was approved, is attached.

Plaintiff's counsel, Daniel Lundy, has informed me that although plaintiff's application for adjustment of status has been approved, he is unwilling to withdraw this action until plaintiff is in physical possession of her green card. Mr. Lundy has also informed me that, based on his discussions with CIS, plaintiff should receive her green card within the next few days.

In light of the fact that CIS has approved plaintiff's application and that plaintiff should receive her green card shortly which would permit the parties to resolve this case, we respectfully request that the Court adjourn the pretrial conference for sixty days. Plaintiff's counsel consents to this request.

I thank the Court for its consideration of this request.

Colleen McMahon
3/6/08

*Sure - don't just send evidence
in my briefs in
for my opposition*

Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:

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KIRTI VAIDYA REDDY
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cc: Daniel Lundy, Esq.
(via facsimile)

Enclosure